

DD / S REGISTER
FILE *Security 4*

16 SEP 1971

Deputy Director for Support
7-D-26 Headquarters

Executive Director-Comptroller
7-D-59 Headquarters

Deputy Director for Support
7-D-26 Headquarters

Director of Security
4E60 HQS

Even though we included with our report of significant things which occurred during your leave a number of the Agency memos to Mr. Rehnquist, we thought it might be useful for you to have an overall status report. The attached is such a report and elaborates the declassification aspect of the Rehnquist Committee activities which did not appear in the earlier paperwork.

In the latter connection I mentioned at the Morning Meeting on 23 August this potential declassification requirement. The Director agreed that we should size our problem but make no judgments or commitments on Agency action. As the attached indicates we did a rough cut through consultations with records and administrative officers and the manpower time estimates in the O/S paper constitutes the best estimate which could be produced without embarking on a huge research project.

DD/S:JWC:llc (16 September 1971)

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DD/S 71-3608: Memo for DD/S from D/S dtd 14 Sept 1971 subj: Status Report on Items Under Consideration by the Rehnquist Committee

(signed) John W. Coffey

John W. Coffey

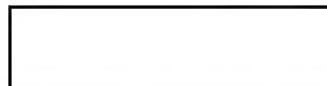
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14 SEP 1971

MEMORANDUM FOR: Deputy Director for Support

**SUBJECT : Status Report on Items Under
Consideration by the Rehnquist
Committee**

1. This memorandum is for your information only.
2. You requested a general status report on the progress made by the Rehnquist Committee on the revision of Executive Order 10501 and the parallel considerations on declassification of historical documents as directed by the President. Such a report is attached.
3. You will be advised when further significant developments occur.



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Howard J. Osborn
Director of Security

**Attachment
Status Report**

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STATUS REPORT ON ITEMS UNDER CONSIDERATION BY THE
REHNQUIST COMMITTEE

The Rehnquist Committee was established in January 1971 by Dr. Henry A. Kissinger. Its charter was to consider the revision of Executive Order 10501 entitled "Safeguarding Official Information in the Interests of the Defense of the United States (as amended)." The Committee is chaired by Mr. William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, Department of Justice, and has members from the Department of State, Department of Defense, the National Security Council, the Atomic Energy Commission, and the Central Intelligence Agency. The work of the Committee was materially accelerated by the advent of the disclosure of the "Pentagon Papers" on the history of the Vietnam War. In July, the Committee met with the President. During that meeting, the President directed that recommendations be formulated on the declassification of documents involving World War II, the Korean War, the U-2, and the Cuban crisis. The Committee is still in the process of developing such recommendations.

Additional emphasis was put on the declassification problem after a press conference was held by Mr. John D. Ehrlichman and John Dean, Counsel to the President, on 12 August 1971. The entire press conference dealt with the revision of Executive Order 10501 and the President's decision to request funds to speed the declassification process of papers dealing with historical events. The historical events enumerated were World War II, the Korean War, the Lebanon action, the Bay of Pigs, and the Cuban missile crisis.

During the press conference, Mr. Ehrlichman commented on the criteria for declassification. He said that "the release of the documents will not jeopardize current intelligence sources," nor

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will it "imperil our current relations with other governments, or seriously and needlessly embarrass individuals who are foreign citizens."

A paper dealing with the declassification problem was submitted to the Rehnquist Committee by the Department of State member. The paper, on which the Chairman requested comments, recommended acceleration of the publication of the unclassified historical volumes "Foreign Relations of the United States" published by the Department of State. The time lag in this publication is now twenty-five years. The recommendation provides that this lag be reduced to twenty years within the next five-year period. The added cost is estimated at \$185,000.00 per year. The paper further recommends against the "White Paper" approach to declassification of the more recent historical occurrences mentioned above. This recommendation recalls the China "White Paper" of 1949 which itself became the center of controversy and only whetted the demand for fuller documentation. The State Department member also recommended that each classifying agency prepare a program for adopting, not later than 1976, a twenty-five-year rule for the "opening of their files of all but the most privileged categories of information (e.g., covert intelligence; personnel)."

Since the State Department paper was a unilateral input, the CIA member submitted his comments to the Chairman. On the question of opening of files, a position was taken that "intelligence" in its broadest sense be exempted rather than "covert intelligence" as mentioned in the paper.

If a White House decision is made to declassify documents and open files on an accelerated basis, manpower requirements throughout the government will be significant. The Department of Defense estimates that its review of records for declassification through the Korean War would cost \$20,000,000.00. If a ten-year rule were adopted, the Department of Defense estimates it would require a thousand people nine years to perform the review task.

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The Chief, Support Services Staff, DDS, estimates that a review of CIA documents for possible declassification covering the historical events identified by the President would, as a minimum, require a twenty-man team five years to complete.

As of this time, no recommendations have been made by the Rehnquist Committee.

Concerning progress on the task for which the Committee was originally established, a working draft of the proposed revision of Executive Order 10501 has now been developed. This draft is still in the process of revision. The Deputy Director for Support has been kept apprised of the developments along the way. In addition, significant considerations have been coordinated variously with the Intra-Agency Security Committee, the D/DCI/NIPE, the Office of the General Counsel, the Office of the Legislative Counsel, and in one significant aspect with the Security Committee of USIB. That item dealt with an effort by the Agency representative to lift the problem of protection of intelligence sources and methods to Executive Order status. The proposals in this connection are still under active consideration by the Committee and have not as yet been attacked by any member of the Committee or the Chairman.

Several other principles of importance to the Agency have been adhered to throughout the deliberations. In this connection, strong efforts are being made to:

- a. Exempt "sensitive intelligence and information involving intelligence sources and methods" from automatic declassification;
- b. Require review of classified documents before declassification;
- c. Require concurrence of the originating agency before declassification; and

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- d. Foster efforts of the Office of the General Counsel, through his steady and effective input, to achieve desirable legislation and develop appropriate sanctions for violations of the provisions of the proposed Order.

As soon as differences in views on the current draft have had Committee consideration and firmer determinations are made, the Deputy Director for Support and other appropriate Agency officials will be advised of any significant problems. They will also be kept advised as additional significant developments occur in other areas of consideration by the Committee.



CIA Member

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8 SEP 1971

MEMORANDUM FOR: Mr. William H. Rebuqulet
Chairman, Security Review Committee

SUBJECT : Declassification and Release of the
Official Record of Major International
Events Since 1945

1. This memorandum presents views on Bill Blair's paper on "Declassification and Release of the Official Record of Major International Events Since 1945." At this point they are my own and have not been coordinated within the Agency. I will do so when a firmer committee position is reached.

2. From the broadest standpoint, Bill's approach is reasonable and recognizes the magnitude of the declassification problem particularly as the time frame is narrowed.

3. The part of the paper which presents problems to us is the reference to "Opening of Files." The opening of files is basically contradictory to the conduct of an intelligence organization, and this has become well understood and accepted particularly by the academic community. Public disclosure of such a policy would be both unwise and detrimental in the long run. Our current experience shows that we are still making "hits" each day as we check the old OSS files accumulated during the early 1940's.

4. I would, therefore, suggest that the paper exclude intelligence in its broadest sense. In this context, the parenthesis in the recommendation on page 5 would read: "(e.g., intelligence; personnel)." This would be in conformity with the categories of privileged papers identified earlier in paragraph 5.



CIA Member

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cc: Mr. Howard C. Brown, Jr. - AEC
Mr. Joseph J. Liebling - Defense
Mr. William D. Blair, Jr. - State
Mr. Thomas K. Latimer - NSC

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**SUBJECT: Declassification and Release of the Official Record
of Major International Events Since 1945**

CONCURRENCES:

S I G N E D

Lawrence R. Houston
General Counsel

8 SEP 1971

Date

S I G N E D

John W. Coffey
Deputy Director
for Support

8 SEP 1971

Date

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